

8/96

JUDGE KORMAN
COURTROOM #6, FOURTH FLOOR
PaulaMarie Susi, Case Manager
(718) 260-2476

To facilitate the work of the Clerk's office, and to avoid confusion, all papers should bear the docket number for that case followed by the initials of the Judge (ERK) as well as the initials of the Magistrate Judge assigned.

CALLS

All calls concerning any calendar matters or adjournments should be made to Mrs. PaulaMarie Susi, Case Manager, at 718-260-2476. *Do not call regarding the **status** of any case or submission without **first** referring to the docket sheet.*

DO NOT CALL CHAMBERS.

For questions concerning procedure please refer to the Federal Rules of Civil (or Criminal) Procedure and the Local Rules of the Eastern District, and the Civil Justice Expense and Delay Reduction Plan.

Declaratory Judgment Actions brought by Insurance Companies

In any action brought by an insurance company seeking a declaration that it is not liable to defend or indemnify an insured in an action pending in another court, the insurance company must also join the plaintiff in that action. See Fed. R. Civ. P. 19; Federal Kemper Ins. Co. v. Rauscher, 807 F.2d 345, 354 & n.5 (3d Cir. 1986).

**** MOTION PRACTICE**

The procedures set forth apply to all dispositive motions **other than** habeas corpus/prisoner petitions, H.H.S., **pro-se** litigation (call Mrs. Susi for instructions) and motions for default (which should be submitted to the judgment clerk for the Clerk's certification prior to filing with chambers).

The moving party will prepare its notice of motion, brief, affidavits and other supporting documentation. The notice of motion **shall not contain a return date** (the return date should be inserted in the notice of motion when the moving party is ready to file all documentation with the court). These papers will be sent to all adversaries and a copy of the cover letter ONLY will be sent to Mrs. Susi. The copy of the cover letter will be filed in the Clerk's office (the submission of a copy of the cover letter will enable the judge to acknowledge and follow the status of these motions. Receipt of such letter will be sufficient to evidence the extension of the time for filing a responsive pleading (e.g., an answer) pursuant to F.R.Civ.P. 12(a) and (b).)

If the opposition papers cannot be prepared within the normal 10-day period, the parties may agree to a briefing schedule (informing the court in writing). If the parties cannot so agree, they should telephone Mrs. Susi at 718-260-2476 to obtain the time within which the opposition papers must be prepared. An original and two copies of all opposition papers are then to be served on the moving party (one copy is to be served on all other parties), with a copy of ONLY the cover letter to be sent to Mrs. Susi. One copy of the reply is to be served on all parties, with a copy of

the cover letter to be sent to Mrs. Susi.

THIS PROCEDURE IS TO BE FOLLOWED FOR CROSS MOTIONS AS WELL.

After the motion has been fully briefed and is ready for submission to the court, **THE MOVANT MUST CALL MRS. SUSI TO SCHEDULE A MOTION DATE.** ANY MOTION WHICH IS NOT PROPERLY SCHEDULED WITH THE CASE MANAGER WILL NOT BE HEARD. All original papers (only briefs in support, in opposition or in reply may be submitted -- no rebuttal, sur-reply, etc. -- . Such briefs are to comply with the local rules.), plus one copy of each together with a cover letter are then to be sent to the Clerk, each clearly marked. The originals will be filed; the copies delivered to chambers. The cover letter is to list separately each document (brief, affidavit, etc.) submitted. A copy of the cover letter is to be forwarded to Mrs. Susi. (The cover letter will inform the opposition of exactly what documents have been submitted.)

This procedure is not to be used for motions covering discovery, pro hac vice admissions, amendments to the pleadings, etc. (See NOTE below). For **habeas corpus**/prisoner petitions, H.H.S., or **pro-se** litigation the parties are directed to call Mrs. Susi for direction.

NOTE: All non-dispositive motions (discovery, amendments to the pleadings...) are to be considered referred to the Magistrate Judge assigned to the case. Please contact the appropriate chambers, or local motion practices, for the proper procedures. Any questions concerning these new procedures should be directed to Mrs. Susi, **DO NOT CALL CHAMBERS.**

A self-addressed, stamped envelope should accompany all motion

papers if you wish a copy of the decision.

All motions will be argued orally (except motions for reargument and appeals from Magistrate's rulings) unless all parties stipulate to waive oral argument.

OTHER

Counsel shall appear promptly for all pre-trial conferences, prepared and authorized to discuss progress in the case, scheduling of further proceedings, and possible settlement. The court may permit adjournment of a conference provided Mrs. Susi is notified three days prior to the date of conference.

Orders

Parties are to confirm the issuance of an order by checking the New York Law Journal, the docket sheet or the PACER system. Do not call chambers. Responsive or submitted orders (ie: requests for extension of time), as well as stipulations of any kind, **will not** be mailed to the parties. The order will be noticed in the New York Law Journal. Orders which originate from chambers (ie: Memoranda and Orders) will continue to be mailed to the parties **AS A COURTESY**. If you have any questions, please call Mrs. Susi.